

U.S. DISTRICT COURT
N.D. OF N.Y.
FILED

JUL 09 2018

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

Kristian M. Saucier

LAWRENCE K. BAERMAN, CLERK
ALBANY

Plaintiff(s)

Civil Case No.:

vs.

CIVIL

RIGHTS

COMPLAINT

PURSUANT TO

42 U.S.C. § 1983

Defendant(s)

US Department of Justice, Barack Obama, ET AL

1:18-cv-800
CDNH/DJSPlaintiff(s) demand(s) a trial by: ☒ JURY ☐ COURT (Select only one).

Plaintiff(s) in the above-captioned action, allege(s) as follows:

JURISDICTION

1. This is a civil action seeking relief and/or damages to defend and protect the rights guaranteed by the Constitution of the United States. This action is brought pursuant to 42 U.S.C. § 1983. The Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1343(3) and (4) and 2201.

PARTIES

2. Plaintiff: Kristian M. Saucier

Address: 3775 VT 313Arlington VT 05250

Additional Plaintiffs may be added on a separate sheet of paper.

3. a. Defendant: US Department of Justice

Official Position: _____

Address: PO Box 888Benjamin Franklin SquareWashington D.C. 20044

b. Defendant: Loretta Lynch
Official Position: Former US Attorney General
Address: PO Box 888
Benjamin Franklin Square
Washington D.C. 20044

c. Defendant: See Enclosure #1
Official Position: _____
Address: _____

Additional Defendants may be added on a separate sheet of paper.

4. **FACTS**

Set forth the facts of your case which substantiate your claim of violation of your civil and/or Constitutional rights. List the events in the order they happened, naming defendants involved, dates and places.

Note: You must include allegations of wrongful conduct as to EACH and EVERY defendant in your complaint. (You may use additional sheets as necessary).

See attached Enclosure #2

Enclosure 1

Additional Defendants:

c. Defendant: James Comey

Official Position: Former FBI Director

Address: PO Box 888 Benjamin Franklin Square, Washington D.C.
20044

d. Defendant: Andrew McCabe

Official Position: Former FBI Director

Address: PO Box 888 Benjamin Franklin Square, Washington D.C.
20044

e. Defendant: Peter Strzok

Official Position: Chief of Counterespionage Section FBI

Address: PO Box 888 Benjamin Franklin Square, Washington D.C.
20044

f. Defendant: Barack Obama

Official Position: Former POTUS

Address: PO Box 888 Benjamin Franklin Square, Washington D.C.
20044

Enclosure 2

- At all times during this entire matter from 2009-2018 Kristian M. Saucier was a citizen of the United States of America and currently lives at 3775 VT 313, Arlington VT.
- **January 19 – July 15, 2009:** Photos taken inside the submarine U.S.S. Alexandria while at dock in Connecticut. **2011:** Other military personnel of his same rank (Marc Dossantos, Justin Rowan) who committed identical infractions (of taking photos inside the engine room) on the same submarine received non-judicial punishment and were retained in the Navy. The infractions of the other Navy personnel are handled by the Navy, not the Department of Justice, NCIS and FBI deferred to Navy to handle punishment.
- **November 2012:** Kristian is evaluated by the Department of Veterans Affairs and found to be service connected disabled and considered no longer fit for duty. Prior to being allowed to separate due to medical discharge he is notified that his commanding officer intends to convene an administrative separation board to discharge him with an Other than Honorable Discharge. He is scheduled to go forward for an administrative separation hearing to

determine either a medical retirement or a medical discharge with both military medical compensation as well as VA disability for multiple medical issues related to military service.

- **November 2012- May 2015:** Multiple Administrative separation board hearings are scheduled and subsequently cancelled/postponed. Saucier files a request for review through Navy chain of command but no positive response.
- **May 28, 2015:** Kristian Saucier is formally arrested for unlawful retention of national defense information. No charge of espionage is filed and no public suggestion is made that Saucier ever planned to disclose the photos to anyone outside the Navy. The photos remained on his cell phone.
- **July 5, 2016** James Comey gave a press conference exonerating Hillary Clinton because she did not have the required intent. Which can be found nowhere in the law.

In looking back at our investigations into mishandling or removal of classified information, we cannot find a case that would support bringing criminal charges on these facts. All the cases prosecuted involved some combination of: clearly intentional and willful mishandling of classified information; or vast quantities of

materials exposed in such a way as to support an inference of intentional misconduct; or indications of disloyalty to the United States; or efforts to obstruct justice. We do not see those things here.

This is not true when you take into account the Kristian M. Saucier case.

- **October 2016:** President Obama publicly exonerates Hillary Clinton for her behavior in interview “60 Minutes” claiming Hillary Clinton had only made a “mistake” and that her willful mishandling of classified information had not put national security at risk.
- **April 2016:** President Obama justifies Hillary Clinton’s behavior setting the stage for her to not be held to account for violating the law as it is written saying that her mishandling of highly sensitive classified information was justified because Hillary Clinton would never “intentionally” put the country at risk.

- James Comey on Obama Interviews:

- *...He wanted Hillary Clinton to be elected...so he (Obama) spoke about an investigation. And he shouldn't have done that...the Obama*

Justice Department, the fix is in because the president has told them what result they should reach.

- **August 16, 2016:** After almost a four year "investigation" that consisted of overt harassment of Mr. Saucier and his family, the Department of Justice elected to take the case from the Navy and prosecute him in a Federal court. Mr. Saucier pleads guilty and receives a Federal conviction, sentenced to one year confinement in a Federal penitentiary, 6 months house arrest, and given 36 months of probation.
- **September 6, 2016:** Mr. Saucier is subject to a three member (selected by his Commanding Officer) Administrative Separation Board. The board elects to discharge him with the most punitive discharge based on Mr. Saucier pleading guilty to a felony in Federal Court. Mr. Saucier is ordered to forfeit his position as a Naval NCO and accept an Other Than Honorable Discharge. As a result he loses his GI Bill, VA Benefits, all other Veteran Benefits, and any medical benefits for injuries sustained in service to country.
- **October 12, 2016:** Kristian Saucier began imprisonment despite the double standard that was accorded to others in similar situations, such as Hillary

Clinton, who did not face any charges for what were far more serious offenses. Then candidate Donald Trump pointed this fact out in several campaign rallies.

- **November 2016:** Donald Trump is elected President of the United States after publicly condemning the harsh treatment that Kristian Saucier received for a minor infraction compared to the special treatment Hillary Clinton received for high level classified material mishandling.
- **June 2017:** Kristian Saucier discharged from the Navy with an Other Than Honorable Discharge
- **September 6, 2017:** Kristian Saucier is released from prison and begins house arrest sentence.
- **March 9, 2018:** President Trump grants full unconditional pardon to Kristian Saucier citing his unfair treatment for a minor military infraction that stood in contrast to his honorable military service

- **June 2018:** DOJ IG releases report detailing extreme bias at FBI in regards to the investigation of Hillary Clinton. Text messages between Peter Strzok and Lisa Page are publicly released detailing a clear intent to provide special treatment to Hillary Clinton. The process the FBI took in investigating Hillary Clinton stands in stark contrast to the process used in Kristian Saucier's case. Despite detailing numerous violations of the same criminal code used to prosecute Kristian Saucier, Peter Strzok and DOJ lawyers argued that Hillary Clinton did not rise to level of prosecution despite the fact that she lied to authorities, destroyed evidence, and intentionally mishandled classified material of the highest levels. The argument that she did not have intent is cited, but was not a prerequisite for the charges levied toward Kristian Saucier.

Enclosure 3

Fifth amendment violation- No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

FACTS:

I was indicted July 24, 2015, sentenced August 19, 2016 and began a yearlong prison sentence on October 12, 2016 for Unlawful Retention of National Defense Information 18 USC 793(e). I was informed that my offense met the requirement for the aforementioned criminal code despite lacking intent to cause national harm.

In the following cases the criminal code was interpreted differently by both the acting FBI Director (James Comey) (July 5, 2016 Press conference), prosecutors for the US DOJ (IG Report June 14, 2018), by the President of the United States (Barack Obama interview Chris Wallace FOX news April 10, 2016). There was either a criminal conspiracy to not charge Secretary Clinton with her careless mishandling of classified material or I was held to a standard not in the US Justice Code. In the case of the later I was denied the basic freedom granted by the US Constitution of Equal Protection Under the Law by being indicted for my mishandling of classified information with no intent to distribute it. The argument that in order to prove intent to cause harm I must have disseminated the images or had provable intent to disseminate them was never made since I had no intent. Therefore, both of these interpretations of the law cannot be true.

Either I was unfairly prosecuted, or Secretary Clinton was afforded a different interpretation of the code as it is written. In the lesser of the two my civil rights were violated by not being afforded the same freedom from spurious prosecution, in the more egregious example I was used as a pawn by the Obama administration and the FBI/DOJ to prove they were "cracking down" on mishandling of sensitive information while setting up a smoke screen for Hillary

Clinton. I will prove in discovery that the FBI top leadership at the time of my investigation and prosecution, to include James Comey, Peter Strzok (Head of Counterintelligence), and Loretta Lynch all met with President Obama to brief him on the actions they were taking in my case versus the protection they were providing in the Hillary Clinton "matter". These parties conspired to destroy me financially and destroy my Navy career while at the same time downplaying the Clinton "matter" so she could run for POTUS.

This level of animosity for the common citizen and subsequent stripping of my freedoms versus the "white glove" treatment towards a politically connected Clinton rises to the level of an egregious violation of my Constitutional Rights in particular my right to not be deprived of life, liberty, or property.

Enclosure 4

Sixth Amendment Violation-In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

FACTS:

On the date of July 24, 2015 I was arrested and forced to be prosecuted in a civilian court. Despite still being on active duty and subject to the Uniformed Code of Military Justice I was not afforded the protections of the Sixth Amendment to be tried by an impartial jury of my peers and be provided a Judge Advocate General as counsel. This was a concerted effort by the DOJ/FBI/POTUS to ensure they could establish a visible hard stance on violations of classified material handling and storage. While my storage of images on an unsecured device was argued by the DOJ as criminal though lacking intent to cause harm they established a tack for

prosecution that would not have been practical in a military venue. If I were to be handled for the same offense in the military I would have been tried by my Commanding Officer in Non-Judicial Punishment (Captains Mast) as the precedent stood from other sailors at my same command that committed the same infraction.

James Comey, Loretta Lynch, Peter Strzok, and President Obama decided at their briefing that this would not be good enough for them. If this approach had been taken I would not have been a high profile case that they could argue warranted prosecution for mishandling classified information. I would have likely faced the same punishment as my fellow service members and only received a fine and reduction in pay grade. Worst case scenario, I would have been court martialed and been able to argue the previous case as my defense. By removing me from the correct venue of military law they were able to not only make me into a scapegoat for Clinton, but ensure my inevitable conviction regardless of facts due to my inability to afford a sufficient legal defense. This is in clear violation of my right to effective legal counsel, and my right to be tried in the venue in which the alleged crime was committed afforded to me by the Sixth Amendment. The DOJ and NCIS forced military members that might otherwise testify on my behalf to sign non-disclosure agreements forbidding them to testify thus denying me the right to subpoena witnesses on my behalf.

The conspiracy to handle my case differently than previous cases was put into place by the defendants in a clear attempt to subvert the law as it is written and with the intent to violate my rights as a United States citizen afforded to me by the Constitution.

Enclosure 5

Fourteenth Amendment Section 1 Violation- All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

FACTS:

The defendants conspired to violate my Right to Equal Protection Under the Law when Lorretta Lynch, Peter Strzok, Andrew McCabe, and James Comey briefed the acting President Barack Obama of their progress with the Mid Year Exam and decided that they were going to interpret the same law they would charge me with violating differently for the person they all expected to be the next President of The United States. In providing preferential treatment for Secretary Clinton while at the same time viciously attacking me in the press after charging me they cemented a clear double standard for justice in America.

The defendants pursued an aggressive campaign of villainizing me while at the same time down playing the "matter" of Secretary Clinton's server. The conspiracy was revealed to the whole world when acting AG Loretta Lynch met the spouse of the target of the investigation for a meeting on the airplane tarmac and assured Bill Clinton that his wife, the preferred candidate for Democratic nominee, would not be charged. Further evidence of this conspiracy to subvert the law is evidenced by James Comey and Peter Strzok drafting the exoneration statement of Hillary Clinton prior to conducting interviews of her and her co-conspirators. While at the very same time the defendants were doing everything in their power to control the narrative of Mrs. Clinton's crimes they were raiding my house at gunpoint, detaining me without warrant for arrest, and smearing my good name all over national news with press releases from the US Attorney's office.

All of this is evidence of a clear attempt to exercise a different set of laws on one citizen compared to another. The Constitution has no grey areas with reference to equality of citizens, though the defendants abused their power and positions of trust to create a very large inequity of justice when they chose to manipulate a statute to exonerate Clinton while using a vastly different interpretation to justify the loss of my freedom and property.
